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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,612	03/29/2004	Robert E. Carlson	14095.5USU1	4342
23552 7590 03/13/2009 MERCHANT & GOULD PC P.O. BOX 2903			EXAMINER	
			LUNDGREN, JEFFREY S	
MINNEAPOLIS, MN 55402-0903			ART UNIT	PAPER NUMBER
			1639	
			MAIL DATE	DELIVERY MODE
			03/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/813,612	CARLSON, ROBERT E.
Office Action Summary	Examiner	Art Unit
	JEFFREY S. LUNDGREN	1639
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).	PATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tinwill apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
 Responsive to communication(s) filed on 26 J This action is FINAL. Since this application is in condition for allowated closed in accordance with the practice under the condition. 	s action is non-final. ince except for formal matters, pro	
Disposition of Claims		
4) Claim(s) 1-4,8,9 and 67-87 is/are pending in t 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-4,8,9 and 67-87 are subject to rest	wn from consideration.	t.
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected to by the land drawing(s) be held in abeyance. Section is required if the drawing(s) is objected to by the land drawing(s) is objected to be land drawing(s).	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documen 2. ☐ Certified copies of the priority documen 3. ☐ Copies of the certified copies of the priority documen application from the International Burea * See the attached detailed Office action for a list	ts have been received. ts have been received in Application trity documents have been receive tu (PCT Rule 17.2(a)).	on No ed in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:	ate

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DETAILED ACTION

Reassignment of Application

Please note that this application has been reassigned to Examiner Jeffrey Lundgren, in Art Unit 1639. In order to expedite accurate processing of the application papers, all future correspondence with the Office should reflect this change.

Election/Restrictions

Following the Office Action mailed on August 7, 2007, Applicants amended the claims by making substantial amendments to the independent claims, and adding new claims 67-87. In view of these amendments, the following restriction requirement is issued.

This application contains claims directed to the following patentably distinct species:

A. the building block species – Applicants are required to elect a single species of building block, and should identify the framework, the recognition element, the value for n, the value for F₁-F₄ and R1 (as shown in claim 72).

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 8 are generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including

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any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Time for Reply

Applicant is reminded that 1-month (not less than 30 days) shortened statutory period will be set for reply when a written requirement is made without an action on the merits. This period may be extended under the provisions of 37 CFR 1.136(a). Such action will not be an "action on the merits" for purposes of the second action final program. M.P.E.P. § 809.02(a).

Correction of Inventorship

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Conclusions

If Applicants should amend the claims, a complete and responsive reply will clearly

identify where support can be found in the disclosure for each amendment. Applicants should

point to the page and line numbers of the application corresponding to each amendment, and

provide any statements that might help to identify support for the claimed invention (e.g., if the

amendment is not supported in ipsis verbis, clarification on the record may be helpful). Should

Applicants present new claims, Applicants should clearly identify where support can be found in

the disclosure.

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Jeff Lundgren whose telephone number is 571-272-5541. The

Examiner can normally be reached from 7:00 AM to 5:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Christopher Low, can be reached on 571-272-0951. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey S. Lundgren/

Patent Examiner, Art Unit 1639